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**House Committee on International Relations**  
**“The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?”**

Thank you, Congressman Smith and Honorable Members of the Panel for the privilege to appear before you today.

I am testifying on behalf of the Montagnard Human Rights Organization based in Raleigh, North Carolina, USA. We are honored to present a voice for the Montagnard people of Vietnam's Central Highlands who, for so many decades have not been heard, whose voice has been silenced because of fear, isolation and persecution. We are grateful to the U.S. State Dept. , the U.S. Congress and the international community that at last, the cry for help is being heard.

We are especially grateful to Congress and to you Congressman Smith for chairing this important Hearing to assess the human rights situation in Vietnam at the present time. We acknowledge the reforms that have taken place in Vietnam and the progress in *some* areas of human rights, including the emigration process, yet there continues to be suffering for many citizens of Vietnam who experience religious persecution, torture, imprisonment, harassment, and restricted freedoms. For these individuals and for the tribal people in the north and the Central Highlands, Vietnam continues to be a **“Country of Particular Concern.”** This presentation will focus on four areas of human rights concerns: religious freedom, refugee protection, freedom of movement and development assistance for the Central Highlands.

There is great suffering in the Montagnard Central Highlands. It is not only suffering of the body and mind because of poverty, disease, and fear, but it is the heart of the highlander people that is broken.

The word Montagnard, as many of you know, is French for “Mountain People”. The Montagnards also call themselves "Anak Cu Chiang" or "Children of the Mountains," "Children of the Highlands." The Montagnards were loyal allies of the U.S. during the Vietnam war and they have suffered extremely for their devotion to our country and the vision of democracy.

The "Anak Cu Chiang" people do not consider themselves to be an ethnic minority. They are an ethnically distinct race from the majority “Kinh” or Vietnamese people. The indigenous Montagnard people comprise the Mon-Khmer speaking tribes who originated in Burma and the Malay-Polynesian tribes who migrated in ancient times

from Polynesia to Indonesia, and then to the coast of Vietnam and eventually to the Central Highlands. The heart of the Montagnard people has always been the land; the forest, the streams, the lakes and the mountains. In ancient times the relationship with the land was a spiritual bond with nature, and the tribal people experienced themselves as stewards and sacred caregivers of the land. For this reason, when a Montagnard is asked, (if he or she is not afraid to answer,) “What do you want?” the answer is often “we want to be free or we want our land.”

Freedom for the people of Vietnam does not exist at this time. There is still no freedom of religion in many areas of the Central Highlands. There is a pervasive police presence in every village. Montagnards are permitted to worship in some places, but only in churches recognized by the government. House church worship is occasionally tolerated, but is more often disrupted and forced renunciations of Christianity continue to be reported. There are disturbing reports from Gialai and Daklak Province of the police posting pictures of Ho Chi Minh in churches or in the homes of Montagnard villagers. This practice is deeply disturbing to Christian believers and also is frightening to Montagnards who still have traditional beliefs about photographs of the dead.

The Montagnards have a deep and abiding Christian faith. They will often choose death or imprisonment if they are threatened to renounce their faith. This deep faith is often misunderstood or exploited by the Vietnamese government. For Montagnards, belief in Christianity was a way to find true equality, dignity, and value as human beings in their life on earth, a way of life that has been denied the tribal people for so many decades living under the South Vietnam government and later, the Communist government of the north.

Montagnard Christian believers continue to die for their faith. At the present time, there are over 350 Montagnards who have been sentenced to prison since 2001, for sentences up to 17 years for their involvement in protests, their religion or attempting to seek asylum in Cambodia. We believe that there must be a release of these prisoners of conscience.

We are providing a partial list of these prisoners. There are undeclared numbers of Montagnards being held in secret gulags.

## **Refugee Protection**

In the area of refugee protection, Montagnards continue to cross the border to seek asylum in Cambodia. They are hunted down by Cambodian police who collaborate with Vietnam’s Ministry of Public Security in border surveillance and operations. The Vietnamese government pays Cambodian police with cash bounties to arrest and return Montagnard asylum seekers. The Cambodian police threaten anyone assisting Montagnard asylum seekers will be charged with human trafficking and considered criminals. We urge that UNHCR and all governments of the free world

recognize that this action violates Cambodia's obligation to the refugee convention. It is especially disturbing considering that both Vietnam and Cambodia are among countries who are prime movers in the human trafficking of women and children.

The United Nations High Commissioner for Refugees should review the urgent situation in Cambodia and intervene with the Cambodian government to respect the 1951 Refugees Convention. UNHCR should be taking an energetic stance to protect Montagnard asylum seekers and to realize the close cooperation between Vietnam and Cambodia that endangers Montagnard asylum seekers.

**There is an urgent need to stop all forced repatriation of asylum seekers from Vietnam as a result of UNHCR's inability to guarantee protection for the returnees in accordance with international refugee law and the convention against torture.**

**Human Rights Watch** continues to document the abuse and torture of Montagnards in Vietnam. Additional reports from sources inside Cambodia have documented the torture of Montagnard returnees who were repatriated to Vietnam under the provisions of the January 2005 Memorandum of Understanding between UNHCR and the governments of Cambodia and Vietnam. The returnees fled to Cambodia a second time after being beaten and imprisoned in Vietnam following a UNHCR monitoring visit. Their interviews have been documented as being credible. Although not all returnees to Vietnam experience torture after UNHCR or other monitoring visits, there should be no further repatriation because there can be no guarantee of protection for the returnees.

Returnees have described torture, beating and intimidation by the Vietnamese police. Individuals were threatened to say nothing bad about the Vietnamese government prior to the time of the UNHCR visits. We believe there should be no further repatriation because there can be no guarantee for protection of the returnees.

We also urge the U.S. government and UNHCR to re-evaluate the current petitions of over 50 Montagnards in Phnom Penh, Cambodia, whose asylum appeals have been rejected by UNHCR and USCIS. We are aware that there have been allegations made that some Montagnards are terrorists and providing "material support" to a former ethnonationalist independence movement known as "FULRO," an acronym for the "United Front for the Liberation of Oppressed Races."

**No armed independence movement called FULRO exists.** The last members of this movement laid down their weapons in 1992 and were given refugee status in the U.S. Prior to 1975, many Montagnards continued to fight for the independence movement known as FULRO, some believing the promise made by the U.S. military that if Montagnards allied themselves and fought for the U.S., there would be support for the Montagnard claim of self-administration and land rights. We can provide documentation if the Committee would like further information about this. The word FULRO is often exploited by the Vietnamese government and used as propaganda to discredit the Montagnard people. Any use of the word FULRO today does not mean an armed independence movement. Montagnards care about the rule of law, human rights, self-

determination, and peaceful co-existence with their Vietnamese neighbors. We believe that humanitarian consideration should be given to those Montagnards whose asylum petitions are pending in Cambodia, and that UNHCR must not repatriate Montagnards to Vietnam. There is a well-founded fear of persecution in Vietnam for Montagnard asylum seekers.

### **Freedom of Movement**

It may be difficult for U.S. delegations that only briefly visit the Central Highlands to realize that there is no freedom of movement in most Montagnard villages. There is a Vietnamese government security presence in every village. Conversation and social interaction is carefully monitored. This includes meticulous police surveillance of all NGOs, foreign visitors, and official delegations.

Vietnam has a highly developed security apparatus, telecommunications network and propaganda mechanism. Fear has an impact on the ability of Montagnards to travel freely in the Central Highlands. In some areas, Montagnard villagers who question authority or gather in public are arrested or subject to interrogation. Families, especially the wives of Montagnard men who escaped to Cambodia, are particularly vulnerable to harassment, humiliation, coercion, and in some cases, beating and imprisonment.

We have interviewed Montagnard women who have arrived as refugees in the U.S. and they often speak of what they endured in their villages with constant threats by the police, including threats to renounce their Christian faith and to abandon their Montagnard husbands and leave their marriages.

In the area of emigration, there has been improvement in Vietnam's issuance of passports for Montagnard beneficiaries legally eligible to emigrate, but there is still coercion for petitioners to pay bribes for exit documents, forced substitutions in the Montagnard family unit, and harassment of Montagnard women who apply for their passports. The U.S. Consulate General, with its Refugee Resettlement Staff, has done admirable work in facilitating difficult family reunifications. There is gratitude from those Montagnard refugees who now are reunited in the U.S. because of the U.S. State Dept.'s efforts and the compassionate involvement of U.S. Members of Congress.

### **Development Assistance**

Vietnam has made progress with poverty reduction throughout much of the country, but not in Montagnard regions. Deeply disturbing questions remain why national policies were created that allowed such extreme poverty and socio-economic conditions to exist in the Central Highlands. In the 1980's and 90's, large and well-established NGOs working in Vietnam were explicitly told not to focus on the Montagnard people or the Central Highlands. Those humanitarian groups who did attempt relief efforts were continually undermined by having travel visas delayed or medical shipments re-directed

to other provinces. There is anguish and suffering in the Central Highlands with the tribespeople who suffer from Hansen's Disease, known as leprosy, also experiencing a devastating lack of health care and clean water.

Other questions arise about the massive resettlement of millions of Vietnamese settlers into Central Highland areas that had been previously inhabited by the tribal people. This has resulted in the displacement of the highlanders, the loss of their ancestral lands, and the degradation of the environment. The Montagnard world of sacred jungle, forests and rivers that had once been so vibrant with life, is now threatened with destruction.

The majority "Kinh" or Vietnamese population, continues to grow. The Montagnard population, which was once over a million people, is now estimated to be around 800,000. Urgent policies are needed that will promote the survival of the highlanders.

A March, 2006 report by UNICEF in Vietnam, stated that there is great concern about safe water and hygienic sanitation to help improve child survival and reduce child malnutrition in rural areas. It is estimated that 87% of the highlander tribal people do not have access to safe water. Major social needs such as education are closely linked to safe water and hygiene. This is another reason why it is urgent that development assistance reach the Montagnard people in the Central Highlands. If not now, when? These are fundamental human rights; the right to live and the right to survive.

Vietnam is a great nation and its greatest resource is her people, *all* her people, including the original inhabitants of the Central Highlands, the "Anak Cu Chiang" people who deserve to live and prosper.

The Montagnard Human Rights Organization recommends that the designation of Vietnam as a "CPC," Country of Particular Concern, remains for the reasons outlined in this paper. We further recommend that:

- a) Montagnard house churches and other places of worship are permitted without police threat or arrests. Montagnards are allowed to worship freely
- b) the release of all political prisoners
- c) stop repatriation of Montagnard asylum seekers in Cambodia unless there is adequate protection for returnees and there is independent, long-term monitoring of returnees
- d) unfettered access for NGOs to provide humanitarian aid and development assistance in the Central Highlands of Vietnam with targeted emphasis on the tribal people in areas of health care delivery, clean water, child nutrition, and education
- e) the removal of police from Montagnard villages
- f) UNHCR should provide protection for Montagnard asylum seekers in Cambodia and pursue intensive diplomatic efforts with Cambodia and Cambodia's donor community in order that Cambodia provides an environment of safety for Montagnard asylum seekers
- g) U.S. Consulate General establishes an office in Pleiku and Ban-Me-Thuot, Vietnam to facilitate legal emigration and humanitarian aid
- h) Montagnard Americans are used as interpreters in USCIS interviews due to on-going problems with inaccuracy on immigration forms, both in Phnom Penh

Cambodia and Ho Chi Minh City, Vietnam

## DISCLOSURE STATEMENT

The Montagnard Human Rights Organization is a 501 c 3 charitable organization. It has received a federal grant from the Office of Refugee Resettlement in the amount of \$552,000.